

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RED FIT, LLC and  
CALI RED, LLC,

Plaintiffs,

v.

Civil Case No. 20-12513  
Honorable Linda V. Parker

RED EFFECT INTERNATIONAL  
FRANCHISE, LLC,  
RED EFFECT HOLDINGS, LLC,  
RED EFFECT LA COUNTY, LLC,  
RED EFFECT ORANGE COUNTY, LLC,  
ALLIE MALLAD, CARLOS GUZMAN,  
ERICA MALLAD, ROBERT VENDITTELLI,  
and, CHELSIE BENDER,

Defendants.

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**OPINION AND ORDER DISMISSING AMENDED COMPLAINT  
WITHOUT PREJUDICE FOR LACK OF DIVERSITY JURISDICTION**

On January 29, 2021, this Court issued an order requiring Plaintiffs to show cause as to why this matter should not be dismissed for lack of subject matter jurisdiction. (ECF No. 26.) While Plaintiffs alleged upon information and belief in their pleadings that the parties are diverse for purposes of 28 U.S.C. § 1332 (*see, e.g.,* Compl. ¶ 13, ECF No. 1 at Pg ID 3), a statement of jurisdiction filed by Defendants at the Court's request reflects that diversity is lacking (ECF No. 25). In response to the show cause order, Plaintiffs concede that the parties are not

diverse and that the Court therefore lacks subject matter jurisdiction over their Complaint. (ECF No. 27.)

Accordingly,

**IT IS ORDERED, ADJUDGED, AND DECREED** that Plaintiffs' Amended Complaint is **DISMISSED WITHOUT PREJUDICE** and this matter is **CLOSED**.

**IT IS SO ORDERED.**

s/ Linda V. Parker  
LINDA V. PARKER  
U.S. DISTRICT JUDGE

Dated: February 16, 2021